

Nevertheless, the Official Action at page 4, last paragraph, presents the following reason for finding that the reference inferentially discloses the ethylene content as recited in the subject claims for the p-xylene fraction.

As the p-xylene insoluble fraction is not likely to be a major contributor to the total ethylene content, it can be inferred that the ethylene content of the p-xylene soluble fraction is likely to contain the claimed weight percentage.

However, the percent ethylene content of the p-xylene soluble fraction of the Tomomatsu et al. disclosed composition may be deduced as follows. It is not that specified in the subject claims.

The p-xylene soluble fragments and the total ethylene contents of the propylene-based resins (A) actually used in Examples 1-6 and Comparative Examples 1-6 of Tomomatsu et al. are listed below (see Table 1 of Tomomatsu et al.).

	p-Xylene soluble fragment (wt%)	Total ethylene content (wt%)	Ethylene content of p-xylene soluble (wt%)
Examples			
1	14	8	57
2	12	7	58
3	12	7	58
4	9	7	78
5	12	7	58
6	10	6	60
Comparative Examples			
1	16	9	56
2	12	7	58
3	16	9	56
4	15	9	60
5	12	7	58
6	10	6	60

Applying the approach stated in the Official Action, the ethylene content of p-xylene soluble can be calculated from the following expression:

total ethylene content / p-xylene soluble fragment.

The calculated results are also shown in the above table.

As clearly seen from the results, the ethylene contents of p-xylene soluble of Tomomatsu et al. so calculated are 56 to 78% by weight which are much higher than the claimed range of 33 to 39% by weight. Thus, contrary to the view stated in the Official Action, Tomomatsu et al. fail to describe propylene-bases resins having an ethylene content of p-xylene soluble within the claimed range.

In all the examples and comparative examples of Tomomatsu et al., ethylene contents far higher than the claimed range are used. Therefore, it would appear that one of ordinary skill in the art would be directed by Tomomatsu et al. to use a ethylene content much higher than those of the claimed invention, thereby failing to reach the claimed invention.

As described on page 5, second paragraph of the specification, an ethylene content exceeding 43% by weight will results in ill-balanced impact resistance and stiffness, and poor scratch resistance. In fact, the Comparative Examples on pages 14 and 15 of the subject specification in which propylene-based resins corresponding to those taught by Tomomatsu et al. are used, are ill-balanced in impact resistance and stiffness and show poor appearance. In the claimed invention, such drawbacks are avoided by decreasing the ethylene content in the p-xylene soluble. This effect of the claimed invention would be unexpected from Tomomatsu et al., because the reference fails to teach or describe the ethylene content with the claimed range.

Please note that in Comparative Example 2 of the subject specification, though the ethylene content of the Comparative Example is 37%, the intrinsic viscosity is outside, being below the range specified in the subject claims. The desired weld appearance and desired low gloss are diminished compared to the results shown for Examples according to the present invention.

For the reasons given favorable reconsideration is solicited.

Respectfully submitted,

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